

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

HERBERTO RODRIGUEZ v. COMMONWEALTH OF PENNSYLVANIA, et al.	CIVIL ACTION NO. 13-5046
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ORDER RE PETITION FOR WRIT OF HABEAS CORPUS

AND NOW, on this 12th day of August, 2014, upon careful consideration of Petitioner Rodriguez's Petition for Writ of Habeas Corpus (ECF No. 3), the March 12, 2014 Report and Recommendation of Magistrate Judge Thomas J. Rueter (ECF No. 11), Petitioner's Objections (ECF No. 23), and all related filings, and for the reasons in the accompanying Memorandum, it is hereby **ORDERED**:

- (1) The Report and Recommendation (ECF No. 11) is **APPROVED** and **ADOPTED**.
- (2) Petitioner's Objections to the Report and Recommendation (ECF No. 23) are **OVERRULED**.
- (3) The Petition for Writ of Habeas Corpus (ECF No. 3) is **DISMISSED** with prejudice.
- (4) There is no basis for the issuance of a certificate of appealability.
- (5) The Clerk of Court is directed to mark this matter closed for statistical purposes.

BY THE COURT:

/s/ **Michael M. Baylson**

Michael M. Baylson, U.S.D.J.